DOCUMENT RESUME

ED 098 761 EC 070 483

TITLE	Selected California Education Code Sections Pertaining to Programs for Mentally Retarded Pupils.
INSTITUTION	California State Dept. of Education, Sacramento. Bureau for Mentally Exceptional Children.
PUB DATE	1 Feb 74
NOTE	24p.
EDRS PRICE	MF-$0.75 HC-$1.50 PLUS POSTAGE
DESCRIPTORS	*Exceptional Child Education; Financial Policy; Financial Support; *Mentally Handicapped; Physically Handicapped; Program Coordination; Special Classes; Special Schools; *State Legislation; State Programs; Student Placement; Testing; Transportation; Vocational Education
IDENTIFIERS	*California

ABSTRACT

The document presents selected California Education Code sections pertaining to programs for mentally retarded pupils. Major topics included are county school service fund, coordination of county special education programs, provisions for schools or classes, transportation, certification of funds required, county tax, admission and placement, testing, misplacement, integrated programs, special classes, apportionment, occupational training programs for physically handicapped and mentally retarded, reimbursement to district, and funding. (MYS)

WILSON RILES
Superintendent of Public Instruction
and Director of Education

LESLIE BRINEGAR
Manager
Special Education Support Unit

California State Department of Education
721 Capitol Mall
Sacramento, California 95814

Bureau for Mentally Exceptional Children

ED 098761

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

SELECTED CALIFORNIA EDUCATION CODE SECTIONS PERTAINING TO PROGRAMS FOR MENTALLY RETARDED PUPILS

Guidelines for Instruction of Mentally Retarded Minors

160. The Superintendent of Public Instruction shall recommend, and the State Board of Education shall adopt by September 1, 1967, general guidelines for use by school districts and county superintendents of schools in the development of curriculum and the adoption of courses of study for the special instruction of mentally retarded minors enrolled in public schools as defined by Sections 6902 and 6903 of this code. The Superintendent of Public Instruction is authorized to employ on a part-time basis curriculum specialists to assist in the development of such guidelines.

County School Service Fund; Amount Payable for Special Education Programs

885.5. In addition to all other amounts payable to the county school service fund on account of special education schools, programs, and classes maintained by the county superintendent of schools for the education of physically handicapped pupils, mentally retarded pupils, severely mentally retarded pupils, and educationally handicapped pupils, there shall be paid by the school districts in which such pupils reside, an amount, per unit of average daily attendance of any such pupils being educated by the county superintendent of schools in the current fiscal year, equal to the amount produced in the district in the current fiscal year by the applicable tax rates specified in Section 17702 per unit of the total average daily attendance of the district. Whenever a county superintendent of schools provides education to pupils who reside in a licensed children's institution or a family home located either within or without the boundaries of the county, the county superintendent of schools shall be reimbursed by the county of residence pursuant to Section 6952.

In lieu of the payments to the county school service fund for mentally retarded pupils and severely mentally retarded pupils and physically handicapped pupils provided for in this section, the county superintendent of schools, with the approval of the county board of education, may add an amount equal to the amount of such payments to the amount, if any, he certifies in accordance with the provisions of Sections 895.6, 895.7, 895.8, and 6955.

Coordination of All Special Education Programs in County; Powers and Duties

885.9. The county superintendent of schools shall have primary responsibility for coordinating all special programs maintained by the office of the county superintendent and by the school districts under the jurisdiction of that office, for the education of physically handicapped pupils as defined in Article 1 (commencing with Section 6801) of Chapter 8 of Division 6, and mentally retarded pupils as defined in Chapter 9 (commencing with Section 6901) of Division 6.

The county superintendent of schools shall undertake the necessary measures to ensure that every pupil in the school district territory under his jurisdiction who

EC 070483

is eligible to participate in any such special education program for physically handicapped pupils or mentally retarded pupils being provided in the territory, shall be afforded the opportunity to participate in an appropriate program.

The county superintendent of schools shall compile and maintain a tabulation of the number of all physically handicapped pupils and mentally retarded pupils enrolled in every category of the special education program in the school district territory under his jurisdiction and the schools in which such pupils are enrolled.

The county superintendent of schools shall maintain a current list of all physically handicapped pupils and mentally retarded pupils who have applied for but have been denied access to each category of the special education program in the school district territory under his jurisdiction.

It shall be the responsibility of the county superintendent of schools to render consultative and coordinative services to school districts under his jurisdiction maintaining special education programs for physically handicapped pupils and mentally retarded pupils, and to marshal and utilize, to the extent permitted by law, all private as well as public resources and services available to provide education and training for physically handicapped and mentally retarded pupils.

Provisions for Schools or Classes for Mentally Retarded Pupils

895. (a) The County superintendent of schools shall, under the direction of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 901 in the elementary schools of the district and who come within the provisions of Section 6902. The schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them.

Any elementary or unified school district which has an average daily attendance of less than 901 in elementary schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded pupils who come within the provisions of Section 6902.

(b) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and who come within the provisions of Section 6902 and contract with an elementary or unified school district with an average daily attendance of 901 or more in the elementary schools of the district, or with a high school district with an average daily attendance of less than 901, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of the pupils which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such pupils.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 17655.5 and 17664 shall not apply.

(c) The county superintendent of schools shall establish and maintain special training schools or classes for mentally retarded pupils who reside in the

county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the district and in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district and who come within the provisions of Section 6903. Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impracticable because of the transportation distances existing to bring a sufficient number of mentally retarded pupils, within the meaning of Section 6903, together in one place to form a special training class, the county superintendent of schools upon the annual approval of the Superintendent of Public Instruction may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in high schools of the district, with the approval of the county superintendent of schools, may establish and maintain special training schools or classes for mentally retarded pupils who come within the provisions of Section 6903.

A county superintendent of schools, required to provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction enter into agreement with an elementary, unified or high school district for the latter to provide for the education of such mentally retarded pupils.

(d) The county superintendent of schools may, with the approval of the county board of education, establish and maintain special training schools or classes for mentally retarded pupils who reside in the county and who come within the provisions of Section 6903 and agree with an elementary or unified school district with an average daily attendance of 8,000 or more in the elementary schools of the district and in unified or high school districts with an average daily attendance of 8,000 or more in the high schools of the district for the education by the county superintendent of schools of such pupils residing in such districts. Whenever a special training school or class is established under the provisions of this subdivision, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply for elementary schools, and the foundation program prescribed in Section 17665 shall apply for high schools.

SEC. 3. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to this section nor shall there by any appropriation made by this act because the duties, obligations or responsibilities imposed on local government by this act are minor in nature and will not cause any financial burden to local government.

Payments to Parents for Food and Lodging in Lieu of Providing Transportation

895.2. In lieu of providing transportation to special training schools or classes maintained by a county superintendent of schools for mentally retarded pupils who come within the provisions of Section 6903 and who reside in elementary or unified school districts which have an average daily attendance of less than 8,000, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardians of any such mentally retarded pupil the cost of food and lodging for the minor at a place convenient to a special training

school or class maintained by the county superintendent, by the governing board of a school district within the county, or by a county superintendent of another county.

Limit on Admissions

895.3. Each county superintendent of schools maintaining special training schools or classes for mentally retarded minors pursuant to subdivision (c) of Section 895 may limit the number of minors to be admitted to such schools or classes. Any minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time the school or class is maintained during the then current school year.

Contracts for Transportation to Special Schools and Classes

895.4. Any county superintendent of schools otherwise required or authorized to maintain special training schools and classes under Section 895 for mentally retarded pupils may provide for the education of such pupils in, and for the transportation of such pupils to, special training schools or classes maintained by a school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under this article, subject to such terms and conditions as may be agreed upon. The agreement shall be approved by the county board of education.

Transportation to Special Schools and Classes by District or County Superintendent

895.5. In lieu of entering into an agreement for the transportation of mentally retarded pupils by the school district or county superintendent of schools, in the special training schools and classes of which the education of such pupils is provided under Section 6910 or 895.4, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

Certification of Funds Required

895.6. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded pupils who come within the provisions of Section 6902 and for the rental of property and the purchase of equipment by the county superintendent of schools for special training schools and classes for such pupils. The amount shall be determined by subtracting from the total cost of the education of such pupils, including transportation, to the county superintendent of schools (1) the total of any balances remaining to be expended for this purpose, and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of mentally retarded pupils who come within the provisions of Section 6902 and by adding to the result the amount required for rental of property and purchase of equipment.

The county auditor and the county board of supervisors shall determine the tax necessary to produce the amount certified when levied upon the taxable property of all the districts under the jurisdiction of the county superintendent of schools which have not been approved by the county superintendent of schools to maintain such schools or classes. The board of supervisors shall at the time of levying other county taxes levy the tax so determined in each school district which had during the preceding fiscal year not been approved by the county superintendent of schools to maintain such schools or classes, except that the tax levied shall not exceed ten cents ($0.10) for each one hundred dollars ($100) of assessed valuation and shall be levied notwithstanding the provisions of Section 20751 or 20803.

The amount received from the tax shall be deposited in the county school service fund.

In the event the amount received from the tax levied is less than the amount certified by the county superintendent of schools the difference shall, with the approval of the Superintendent of Public Instruction, be paid the county superintendent of schools from the county school service fund contingency account pursuant to Section 18353.

County Tax

895.7. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of mentally retarded pupils who come within the provisions of Section 6903 and for rental of property and the purchase of equipment by the county superintendent of schools for special training schools or classes for such pupils. The amount shall be determined by subtracting from the total cost of the education of such pupils, including transportation, to the county superintendent of schools the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such mentally retarded pupils and by adding to the result the amount required for rental of property and the purchase of equipment. The board of supervisors may include in such amount a sum for capital outlay.

The Board of supervisors shall, at the time of levying other county taxes, levy an identical rate of tax in all elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools in the district, and all unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the district under the jurisdiction of the county superintendent of schools, and for which approval has not been granted by the county superintendent for the district to establish and maintain such classes for the education of mentally retarded pupils who come within the provisions of Section 6903 and any school district with an elementary or high school average daily attendance of more than 8,000 for which the county superintendent maintains such class upon the taxable property in such districts sufficient to produce an amount equal to all costs of the education of such pupils which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such pupils. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

Determination of Allowances

895.10. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes for education of mentally retarded pupils.

Contract for Education of Physically Handicapped, Mentally Retarded, or Educationally Handicapped Pupils

895.12. Notwithstanding any other provisions of this code, any school district having an average daily attendance of 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding year, may contract with a county superintendent of schools or with another school district, pursuant to Section

1062, for the education of physically handicapped pupils, mentally retarded pupils, or educationally handicapped pupils of any contracting party. Any such contract shall require the district whose pupils are receiving educational services thereunder to pay all costs of such educational services which are in excess of the amounts which may be received by the party providing the educational services, apportioned from the State School Fund for the average daily attendance of such pupils. Whenever a county superintendent of schools is a party to such a contract, no tax shall be levied to defray the costs of educational services under the contract by any party other than the school district whose pupils are receiving such educational services.

Duty of Governing Board in Certain Districts to Prescribe and Enforce Course of Study for Mentally Retarded Pupils

8052. The governing board of any school district with more than 8,000 pupils in average daily attendance shall prescribe and enforce in the schools a course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code.

Duty of County Board to Prescribe and Enforce Course of Study for Mentally Retarded Pupils

8053. Each county board of education shall prescribe and enforce a county course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code. Such county course of study shall be used in special education programs for mentally retarded pupils conducted by the county superintendent of schools and in school districts with an average daily attendance of 8,000 or less.

Funds for Work Experience Programs for Mentally Retarded Pupils

5989.5. The governing board of any school district which established and supervises a work experience education program in which mentally retarded pupils are employed in part-time jobs may use funds derived from any source, to the extent permissible by appropriate law or regulation, to pay the wages of pupils so employed.

The Legislature hereby finds and declares that the authority granted by the provisions of this section is necessary to ensure that the work experience education program will continue to provide maximum educational benefit to students, particularly mentally retarded pupils, and that such program is deemed to serve a public purpose.

CHAPTER 9. EDUCATION OF MENTALLY RETARDED PUPILS

Definition

6901. "Mentally retarded pupils" means all pupils under the age of 21 years who because of retarded intellectual development as determined by individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.

The reference to "under the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

Education of Certain Mentally Retarded Pupils; Annual Report

6902. The education of mentally retarded pupils who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided all eligible pupils in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. Such special education may be provided to mentally retarded pupils who are between five years nine months and six years of age and those above compulsory school age and less than 21 years of age.

An annual report shall be made by each school district or county superintendent of schools to the Department of Education indicating the number of eligible pupils for whom no such special education is provided and the reason therefor.

The reference to "less than 21 years of age" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

Admission; Individual Evaluation; Interim Placement of Pupil; Local Admission Committee

6902.05. (a) Admission of a minor to a special educational program for the mentally retarded established under the provisions of Sections 6901 to 6913, inclusive, and in Sections 895 to 895.7, inclusive, shall be made only on the basis of an individual evaluation according to standards established by the State Board of Education and upon individual recommendation of a local admission committee which shall include an administrator in charge of special education programs in the district or county or other administrator designated by the school district or county superintendent of schools, an experienced special education teacher, a school nurse, and a school psychologist who has examined the child under consideration for eligibility and placement.

Whenever possible, the person serving on the admission committee for mentally retarded minors may also serve on the admission committee for educationally handicapped minors.

The admission committee shall use such medical reports as are needed to properly evaluate the child. The admission committee shall have the services or presence of other pupil personnel workers, educational specialists, school nurses, social workers, or physicians as the committee may require and request. Such recommendation shall include a statement that in the professional judgment of the members of the admission committee the minor recommended for placement in any program for the mentally retarded can reasonably be expected to benefit from such placement. Any member of the local admission committee dissenting from the final committee recommendation shall attach to the final recommendation a statement of reasons for such objection.

(b) The administrative head of a school district or office of the county superintendent of schools may make an interim placement of a pupil in a program for the mentally retarded for a period not to exceed 30 schooldays whenever a pupil transfers into the school district from another school district in which his last enrollment was in a program for mentally retarded minors. Such an interim placement may be made without the complete documentation specified in subdivision (a). Before the expiration of the 30-day period such interim placement shall be reviewed by the admission committee and a final recommendation shall be made by the committee in accord with the requirements of this chapter. The committee may utilize information, records, and reports from the admission committee proceedings of the school district or county program from which the pupil transferred.

Representative of Pupil

6902.055. Whenever any pupil is being evaluated for placement in a program for mentally retarded pupils by an admission committee pursuant to Section 6902.05, the parent or guardian of the pupil may have a physician, optometrist, psychologist, social worker, or teacher, whether certificated or not, represent the pupil and present additional material, if any, to assist the admission committee in its determination with respect to the pupil.

The representative so selected shall have no decisionmaking power with respect to any determination to be made by the admission committee. The representative so selected may be an employee of the school district.

Legislative Intent

6902.06. The Legislature finds and declares that the people of California have a primary interest in providing equal educational opportunity to children of all ethnic, socioeconomic, and cultural groups and that pupils should not be assigned to special classes or other special programs for the mentally retarded if they can be served in regular classes.

The Legislature hereby finds and declares that there should not be disproportionate enrollment of any socioeconomic, minority, or ethnic group pupils in classes for the mentally retarded and that the verbal portion of the intelligence tests which are utilized by some schools for such placement tends to underestimate the academic ability of such pupils.

Mentally Retarded Pupils: Verbal and Nonverbal Intelligence Test

6902.07. Before any pupil is admitted to a special education program for mentally retarded pupils established pursuant to this chapter or Article 10 (commencing with Section 895) of Chapter 4 of Division 3, the pupil shall be given verbal or nonverbal individual intelligence tests in the primary home language in which the pupil is most fluent and has the best speaking ability and capacity to understand. Such tests shall be selected from a list approved by the State Board of Education.

Retesting

6902.08. All pupils presently participating in special education programs for the mentally retarded under the provisions of Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive, shall be retested according to the provisions of Section 6902.06 prior to the conclusion of the 1970 calendar year.

Standard Measurement of Error; Psychological Examination; Primary Language other than English; Conference with Parents re Placement; Permission of Parent

6902.085. No pupil shall be placed in a special education class for the mentally retarded if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on an individual intelligence test selected from a list approved by the State Board of Education except as provided in Section 6902.095.

No pupil shall be placed in a special education program for the mentally retarded when he is being tested in a language other than English if he scores higher than two standard deviations below the norm, considering the standard error of measurement, on the nonverbal intelligence test or on the nonverbal portion of an individual intelligence test which includes both verbal and nonverbal portions except as provided in Section 6902.095.

No pupil may be placed in a special education program for the mentally retarded unless a complete psychological examination by a credentialed school psychologist investigating such factors as developmental history, cultural background, and school achievement substantiates the retarded intellectual development indicated by the individual test scores. This examination shall include estimates of adaptive behavior. Until adaptive behavior scales are normed and approved by the State Board of Education, such adaptability testing shall include, but is not limited to, a visit, with the consent of the parent or guardian, to the pupil's home by the school psychologist or a person designated by the chief administrator of the district, upon the recommendation of the school psychologist, and interviews of members of the pupil's family at their home. If the language spoken in the home is other than English, such interviews shall be conducted in the language of the home.

In the case of a pupil whose primary home language is other than English, the psychological evaluation shall be conducted in the pupil's primary home language. It shall be administered by a credentialed school psychologist fluent in the language of the pupil. In the event such a person is not available, an interpreter qualified in the primary home language of the pupil shall be provided to assure effective communication between the pupil and the school psychologist administering the evaluation. The district shall provide the interpreter with in-service training in the application of evaluation techniques and procedures, such training to be given under the direction of a school psychologist according to guidelines established by the State Board of Education.

After a pupil has been screened and referred, written permission for the individual psychological evaluation shall be secured in a conference with a school official and the parent or guardian or his authorized representative. After the individual psychological evaluation is completed, the psychologist shall confer with the parent or guardian or his authorized representative regarding the recommendation to the admission committee. Following the admission committee meeting, a committee member shall meet with the parent or guardian or his authorized representative to discuss the committee conclusion and to obtain written permission for placemen..

No pupil shall be placed in a special education class for the mentally retarded without the written consent of the parent or guardian of the child after a complete explanation of the special education program. Permission documents for individual psychological evaluation, and placements, shall be written in English and in the language of the parent or guardian. Conferences and notices to inform the parent or guardian of the nature of the placement process, the committee conclusion, and the special education program shall be in the home language of the parent or guardian.

Misplacement; Parents; Hearing re Withdrawal

6902.09. Any pupil who is determined to be misplaced in a special education program for the mentally retarded pursuant to Section 690[illegible].08 shall be withdrawn from such a program upon consultation with his parents or guardian. Such a pupil may be placed in a compensatory education program or any similar supplementary educational program conducted by the district with the goal of accelerating his educational attainment so that he may participate in the regular instruction of the district.

If a parent or guardian objects to the withdrawal of his child or ward from a special education class or program provided pursuant to Section 6902 or 6903, he may request a hearing regarding such withdrawal. The hearing shall be held not less than 20 nor more than 30 days after the request is made.

For purposes of Section 6902, the hearing panel shall consist of a credentialed school psychologist, a teacher currently instructing a special education class at the same grade level in which the pupil is enrolled, but who is not an employee of school district involved, and a special education administrator, each of whom shall be designated by the county superintendent of schools. In any case in which it is not practicable to secure the services on the panel of a person or persons having the qualifications herein specified, the county superintendent of schools may designate for service on the panel a person or persons not having such qualifications but whom the superintendent deems otherwise qualified to serve. The panel, by majority vote may uphold or reverse the action taken by the district to withdraw the pupil from the program. The decision of the panel is binding upon the school district. Upon a decision by the panel to reverse the district decision, the pupil shall be readmitted to a special education class for the mentally retarded notwithstanding Section 6902.085, except that in no case shall a pupil scoring higher than one

standard deviation below the norm, considering the standard error of measurement, be readmitted to such a class.

For purposes of Section 6903, the hearing panel shall consist of a credentialed school psychologist designated by the county superintendent of schools of the county in which the school is located, the medical director or his appointee of the nearest regional center for the mentally retarded, and a teacher, designated by the county superintendent of schools, currently instructing a special education class at the same grade level in which the pupil is enrolled, but who is not an employee of the school district involved. The panel, by majority vote may uphold or reverse the action taken by the district to withdraw the pupil from the program. The decision of the panel is binding upon the school district. Upon a decision by the panel to reverse the district decision, the pupil shall be readmitted to a special education class for the mentally retarded notwithstanding Section 6902.085, except that in no case shall a pupil scoring higher than one standard deviation below the norm, considering the standard error of measurement, be readmitted to such a class.

The hearings shall be conducted pursuant to rules and regulations adopted by the State Board of Education.

Exceptions Notwithstanding Test Scores; Annual Reports

6902.095. In exceptional circumstances, after an examination of all pertinent information, including relevant cultural and adaptive behavior data, the admission committee may by unanimous vote agree to place a pupil in a special education class for the mentally retarded in spite of an individual test score higher than two standard deviations below the norm considering the standard effor of measurement. The committee shall take notice of and be guided by the legislative intent expressed in Section 6902.06. Upon such unanimous agreement, a written report indicating the decision of the committee, and the reasons therefor, shall be sent to the parent or guardian of the pupil.

Beginning in the 1971-1972 school year, each school district shall report annually to the Department of Education:

(a) The ethnic breakdown of the children placed in special education classes for the mentally retarded in the district.

(b) The ethnic breakdown of the children newly placed in such classes:

(1) By the standard admissions procedure, and

(2) By the exceptional unanimous consent procedure described in this section.

If the percentage of children from any minority ethnic group in such classes varies by 15 percent or more from the percentage of such children in the district as a whole, an explanation for such variation shall be attached to the report to the Department of Education.

Racial and Ethnic Composition

6902.10. The Superintendent of Public Instruction shall annually report to the State Board of Education on those districts in which there is a significant variance in racial and ethnic composition between special education classes for mentally retarded pupils established pursuant to Sections 6901 to 6913 and the regular enrollment of the district.

Enrollment of Mentally Retarded Pupils

6902.1. Mentally retarded pupils who come within the provisions of Section 6902 may be enrolled in integrated programs of instruction conducted by a school district or a county superintendent of Schools.

(a) An integrated program of instruction for mentally retarded pupils shall be defined as a program in which mentally retarded pupils, who are enrolled in a special day class taught by a teacher holding a valid credential to teach exceptional children shall be so designated when they are integrated in regular classes in which the content and method of instruction has been modified to the extent that mentally retarded pupils can benefit from such integration.

The school district or county superintendent of schools conducting the integrated program of instruction shall be entitled to an apportionment equal to the amount which would have been credited to them had these pupils been enrolled full time in a special day class for the mentally retarded.

(b) Whenever the number of mentally retarded pupils is less than six in each of one or more schools of a district or schools served by a county superintendent and the distance between any school also having mentally retarded pupils is excessive, prohibiting the reasonable transportation of pupils, such pupils may be instructed in the regular classes of the district or county with prior approval of the Superintendent of Public Instruction, providing an instructional aide is employed in each such regular class for the regular schoolday and that supervision of the instructional program for mentally retarded pupils is provided by a person holding credentials to teach the mentally retarded. School districts providing integrated programs under this subdivision shall be qualified for the individual apportionment under subdivision (h) of Section 18102.9.

(c) Such programs shall be conducted in accordance with rules and regulations established by the State Board of Education.

Funding for Integrated Programs 6902.1, (b)

18102.9. (1) In addition to the allowances provided under Sections 18102 to 18102.6, inclusive, the Superintendent of Public Instruction shall allow to school districts and county superintendents of schools for each unit of average daily attendance an amount as follows:...

(h) For the instruction of mentally retarded pupils in regular day classes, one thousand eighteen dollars ($1,018)....

(2) (a) The allowances provided under Sections 18102 to 18102.6, inclusive, may be increased proportionately on account of special day classes convened, or other instruction provided a pupil, for days in a school year which are in excess of the number of days in the school year on which the regular day schools of a district are convened....

Programs for Mentally Retarded Pupils

6902.2. Programs for mentally retarded pupils identifiable pursuant to Section 6902.05 are:

(a) Special day classes (elementary and secondary). A class established for mentally retarded pupils (as defined by Section 6902.05). The class shall be

maintained for at least the minimum schoolday. The class shall be taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class for the schoolday as established by the governing board for regular classes for pupils who are at the highest grade level in the special class.

(b) An integrated program of instruction. A program for mentally retarded pupils in which mentally retarded pupils, who are enrolled in a special day class taught by a teacher holding a valid credential to teach exceptional children, are integrated in regular classes in which the content and method of instruction has been modified to the extent that mentally retarded pupils can benefit from such integration. Such programs shall be conducted in accordance with rules and regulations established by the State Board of Education.

Maximum Enrollment

6902.3. The maximum enrollment of pupils enrolled in special day classes as defined by subdivision (a) of Section 6902.2 shall be 18 pupils except that when the chronological age span is more than four years the appropriate maximum enrollment shall be 15 pupils.

The Superintendent of Public Instruction may waive the maximum class size standards prescribed by this section whenever it approves a project submitted by a school district or county superintendent of schools to conduct experimental studies to determine the proper class size standards.

If after the beginning of the school year it is determined that classes are at maximum size, that additional pupils will be without schooling unless additional classes are established, and that additional qualified teachers are not available for employment, a school district or a county superintendent of schools may, on forms provided for this purpose by the Department of Education, request permission of the Superintendent of Public Instruction to exceed the maximum class size for all or a part of the remainder of the school year. The Superintendent of Public Instruction may approve such request for all or a part of the remainder of the school year, provided the maximum size is not increased by more than two pupils above the maximum enrollment specified.

Continuance in Program Subject to Review

6902.4. Continuance of pupils in special education programs for the mentally retarded authorized under Section 6902 shall be the subject of annual review and recommendation by the local admission committee to determine whether continued placement in the special educational program is appropriate.

Participation; Consultation With Parent

6902.5. No pupil shall be required to participate in a program for mentally retarded pupils unless the local admission committee or a member of the local admission committee appointed by such committee has personally consulted with the parent or guardian of the pupil regarding the retarded intellectual development of the pupil.

Provisions for Education of Mentally Retarded Pupils Not Within Provisions of Section 6902

6903. The education of mentally retarded pupils who do not come within the provisions of Section 9602, who are six or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in

Sections 895 to 895.10, inclusive. The education of such mentally retarded pupils who are five or more and less than six years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive.

Any such pupil who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such pupil who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

The reference to "21st birthday" in this section is not affected by Chapter 1748 of the Statutes of 1971.

Participation of Mentally Retarded Pupils Not Within Provisions of Section 6902; Special Day Class Program

6903.1. Mentally retarded pupils identified pursuant to Section 6903 shall participate in a special day class program for mentally retarded pupils. The class shall be maintained for at least the minimum schoolday. The class shall be taught by a full-time teacher whose responsibility is to teach pupils enrolled in the class for the schoolday established by the governing board for regular classes for pupils who are at the highest grade level in the special class.

Annual Report

6903.3. An annual report shall be made by each school district or county superintendent of schools to the Department of Education indicating the number of eligible pupils under Section 9603 for whom no such education is provided and the reason therefor.

Special Training Schools or Classes in Elementary, High School, or Unified School District

6904. The governing board of any elementary or unified school district which has an average daily attendance of 900 or more in the elementary schools of the district, or any high school district which has an average daily attendance of 900 or more shall provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6902 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 6901 to 6913, inclusive.

The governing board of any elementary or unified school district which has an average daily attendance of 8,000 or more in the elementary schools of the district and any unified or high school district which has an average daily attendance of 8,000 or more in the high schools of the district shall provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6903 and who are not in attendance upon other special training schools or classes maintained under the provisions of Sections 9601 to 6913, inclusive.

With the approval of the county superintendent of schools, the governing board of any elementary or unified school district which has an average daily attendance

of less than 8,000 in the elementary schools of the district, and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district may provide for the education in special training schools or classes of mentally retarded pupils residing in the district who come within the provisions of Section 6903 as may be admitted to such schools or classes.

The governing board of any elementary, unified, and high school districts required to provide for the education in special training schools or classes of mentally retarded minors residing in the district who come within the provisions of Section 6903, may with the approval of the Superintendent of Public Instruction, enter into an agreement with a county superintendent of schools for the latter to provide for the education of such mentally retarded pupils.

The governing boards of elementary, unified, and high school districts may enter into agreements for the education in special training schools or classes of mentally retarded pupils residing in the districts parties to such agreement providing such agreements are reported through the county superintendent of schools to the Superintendent of Public Instruction.

No community college shall initiate new programs relating to mentally retarded pupils after May 1, 1973, except programs planned before July 1, 1972, or programs which are not solely or partially financed by state funds.

Determination of Grade Level of Mentally Retarded Classes for Apportionment Purposes

6904.1. The Superintendent of Public Instruction shall adopt regulations prescribing the conditions under which the education of mentally retarded pupils under Sections 6902 and 6903 shall be the responsibility of either the elementary schools or the high schools maintained by school districts, and for determining when such pupils in classes maintained by a school district or a county superintendent of schools shall be designated as of eoementary or secondary grade for attendance and state apportionment purposes.

Coordination of Activities by Certificated Person in Counties with over 25,000 Pupils

6904.2. The county superintendent of schools of a county with more than 25,000 pupils in average daily attendance, and in which at least 50 percent of the mentally retarded pupils in the county are enrolled in classes conducted by the county superintendent, shall employ at least one full-time certificated person to coordinate activities involved in the preparation, adoption, revision, use and enforcement of a course of study for mentally retarded pupils in special schools and classes conducted by the county superintendent and by school districts in which the county course of study is required to be used. The minimum professional requirement for employment in such position shall be the holding of a regular teaching credential with authorization to teach the mentally retarded.

A county board of education of a county with 25,000 or less pupils average daily attendance or the governing board of any school district with an average daily attendance of more than 8,000 may cooperate with a county superintendent of schools of 25,000 or more pupils in average daily attendance in the development of a course of study for mentally retarded pupils educated by them.

Experimental Program for Mentally Retarded Pupils

6904.3. Mentally retarded pupils who come within the provisions of Section 6902 or 6903 may be enrolled in experimental programs conducted by a school district or a county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Department of Education.

The school district or county superintendent of schools conducting the experimental program shall be entitled to an apportionment equal to the amount which would have been credited to them had these pupils been enrolled full time in a special day class for the mentally retarded.

Four-year Secondary School Program in Certain Districts

6904.5. The governing board of a unified or high school district with an average daily attendance of 900 or more shall provide a four-year secondary school program for each mentally retarded pupil residing in the district who comes within the provisions of Section 6902 and for whom the district is required to provide an education in special training schools or classes pursuant to Section 6904.

Special Training Classes in Certain High School Districts

6905. The governing board of any high school district which has an average daily attendance of less than 900 may establish and maintain special training schools or classes for the education of such mentally retarded pupils as may be admitted to such schools or classes by the governing board of the district.

Establishment of Minimum Standards

6906. The Department of Education shall establish minimum standards for all such special schools and classes and shall enforce these standards through-out the State.

Diploma from Special School

6906.5. The governing board of each unified or high school district which is required or authorized to maintain special training schools for mentally retarded pupils who come within the provisions of Section 6902 shall issue a diploma or other certificate of graduation to each person who has met the minimum standards of the State Board of Education for such special schools and such diploma or certificate of graduation shall not contain any notation or other evidence which indicates that the graduate is a mentally retarded person.

Individual Examination of Child by Psychologist

6908. Before any child is placed in a school or class for mentally retarded children, he shall be given a careful individual examination by a credentialed school psychologist, or by a person serving under the supervision of such a school psychologist and holding a credential for that purpose issued by the State Board of Education and a consultation with his parents or guardian held. A psychiatrist or psychologist may be consulted in any specific case when the governing board of the district deems it necessary.

Objection to Examination by Parent or Guardian

6909. No examination as specified in Sections 6901 to 6913, inclusive, shall be given if the parent or guardian objects on the ground that such examination is contrary to the religious beliefs of such parent or guardian.

Interdistrict Agreements for Education and Transportation

6910. The governing board of any school district otherwise required or authorized to maintain special training schools and classes under Sections 6904 and 6905 for mentally retarded pupils may provide for the education of such pupils in, and for the transportation of such pupils to, special training schools or classes maintained by another school district under Sections 6901 to 6913, inclusive, or by a county superintendent of schools under Sections 895 to 895.10, inclusive, subject to such terms and conditions as may be agreed upon.

Provision for Transportation in Lieu of Agreement

6911. In lieu of entering into an agreement for the transportation of mentally retarded pupils by the school district or county superintendent of schools, in the special training schools and classes of which the education of such pupils is provided under Section 6910 or 895.4, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

Qualification for Teachers

6912. No person shall be employed as a teacher of mentally retarded pupils who does not hold a valid credential for the education of mentally retarded children. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each special training class of mentally retarded children for not more than 20 schooldays in any school year, of a person holding some other valid credential authorizing substitute teaching.

6912.3. Notwithstanding Section 6912, any person may be employed to teach mentally retarded pupils in a sheltered workshop, occupational training program, or any other vocational education program if that person holds a designated subjects teaching credential in a subject related to the program in which the person is employed.

Individual Social and Vocational Counseling

6912.5. Individual counseling and guidance in social and vocational matters shall be provided as part of the instructional program for mentally retarded pupils. Upon approval by the State Department of Education the governing board of any school district may separately, or in cooperation with the governing board or boards of one or more other school districts, or in cooperation with the Bureau of Vocational Rehabilitation of the State Department of Education, employ a special coordinator, who shall make a study of employment and occupational opportunities and shall assist in the coordination of the education of the mentally retarded pupils with the commercial and industrial pursuits of the community, so as to prepare the pupils for employment.

Determination of Allowances

6913. The Superintendent of Public Instruction shall prescribe the procedures for qualifying for and shall determine the amount of the allowances for special regular day classes and for authorized instruction in other than special regular day classes of mentally retarded pupils.

Apportionment to School Districts for Mentally Retarded Pupils and Physically Handicapped Pupils

6914. Whenever any school district maintains special training schools or classes for the education of mentally retarded pupils who come within the provisions of Section 6903, or special schools, classes or integrated programs where a qualified special teacher is provided for the education of physically handicapped pupils who come within the provisions of Sections 6801 and 6802, the governing board of the school district may apply to the Superintendent of Public Instruction for an apportionment pursuant to Sections 6914 to 6919, inclusive.

Application for Apportionment to School Districts for Mentally Retarded Pupils and Physically Handicapped Pupils

6915. The application shall be made prior to September 1st of each school year in the form and manner prescribed by the Superintendent of Public Instruction and shall include an estimate of the average daily attendance that will be credited to such schools, classes or integrated programs during the school year for which an advance apportionment is requested. Such estimate shall be based upon the number

of pupils residing in the district or in an adjacent district that come within the provisions of Sections 6801, 6802, and 6903 and who will attend such schools, classes or integrated programs, and shall be subject to the approval of the Superintendent of Public Instruction.

Amount of Apportionment for Mentally Retarded Pupils and Physically Handicapped Pupils

6916. Not later than 30 days after such application, the Superintendent of Public Instruction, if he approves, shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to the maximum amount allowable for each type of program included in the request per unit of average daily attendance to school districts for the excess expense of educating mentally retarded pupils who come within the provisions of Section 6903, and physically handicapped pupils who come within the provisions of Sections 6801 and 6802 multiplied by eight and the product thereof multiplied by the number of special classes or integrated programs maintained by the applicant school district for such pupils.

Entitlement to Free Education

6920. Every mentally retarded, physically handicapped, or multiply handicapped pupil, as defined in Section 6870, is entitled to training or an education free of charge in the public schools of this state.

CHAPTER 9.5. OCCUPATIONAL TRAINING PROGRAMS FOR PHYSICALLY HANDICAPPED AND MENTALLY RETARDED MINORS

Establishment and Conduct of Training Programs

6931. The State Board of Education may adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded pupils enrolled in special day classes for suitable occupations. Such programs shall provide for physically handicapped and mentally retarded pupils under the age of 21 years who are unable to profit by courses of work experience education as provided in Article 5.5 (commencing with Section 5985) of Chapter 6 of Division 6.

The reference to "under the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

"Minor"

6931.5. For the purposes of this chapter, "minor" means any person under 21 years of age notwithstanding Section 25 of the Civil Code or any other provision of law.

Contracts With Sheltered Workshops

6932. School districts and county superintendents of schools may contract with sheltered workshops and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded pupils under the age of 21 years, and reimburse such sheltered workshops and work establishments for the expenses incurred in the training of such pupils.

The reference to "under the age of 21 years" in this section is unaffected by Section 1 of Chapter 1748 of the Statutes of 1971 or any other provision of that chapter.

Contracts With Department of Rehabilitation or With Other Governing Boards or County Superintendents; Employees; Certification

6933. The governing board of any school district, or the county superintendent of schools of any county, maintaining secondary schools may enter into contracts with the governing boards of other such school districts, or with a county superintendent of schools, and with any department or agency of the state to obtain or provide services and other assistance necessary in connection with providing effective rehabilitation services, to include but not limited to occupational training, mobility training, sheltered workshops and work-experience programs.

Any school district governing board, or the county superintendent of schools of any county, which enters into a contract with the State Department of Rehabilitation under this section may employ, or allow to be employed, in the school district or with a county superintendent of schools, employees of the State Department of Rehabilitation or other persons not employed by the department but certified by the department to be fully qualified for such employment. A certification to the State Department of Education by the State Department of Rehabilitation that the individual meets all the requirements and fulfills all the qualifications of that department for the position for which he is being considered shall serve as evidence that the individual meets the academic, professional and experience requirements for a standard designated services credential with a specialization in pupil personnel services as a rehabilitation counselor or mobility instructor for the blind, in accordance with requirements adopted by the State Board of Education, which the individual must obtain in order to render services in the public schools.

Notwithstanding any other provision of this code, when an individual is so certified by the State Department of Rehabilitation as qualified for employment, other teacher certification requirements required by this code or by Title V of the California Administrative Code shall be waived for that individual.

Sponsor or Operate Sheltered Workshops or Training Centers; Job-training Situation Development; Payment

6934. County superintendent of schools, high school districts and unified school districts which do not have a sheltered workshop available to them within a reasonable commuting distance may sponsor or operate sheltered workshops or training centers for handicapped students and individuals eligible to attend high school or adult school, develop job-training situations based upon the capabilities of the individual by entering into contracts or subcontracts to produce goods for, and provide services for public and private agencies, private business and industry, and pay such students and individuals on a piece-rate basis from revenues derived from any source not otherwise prohibited by law, as regulated by state and federal wage and hour laws applicable to persons employed in a sheltered workshop.

CHAPTER 9.7. HANDICAPPED CHILDREN

"Handicapped Children" Defined

6941. As used in this chapter, "handicapped children" means any of the following:

(a) Physically handicapped pupils as defined in Chapter 8 (commencing with Section 6801) of this division.

(b) Mentally retarded pupils as defined by Sections 6901 and 6902.

(c) Severely mentally retarded pupils as defined by Sections 6901 and 6903.

(d) Educationally handicapped pupils as defined in Chapter 7.1 (commencing with Section 6750) of this division.

(e) Multihandicapped pupils which refers to any combination of (a), (b), (c), or (d).

Legislative Intent

6947. It is the intent of the Legislature, in enacting this section, to encourage school districts and county superintendents of schools to design, implement, and evaluate innovative, exemplary education and training programs for the exceptional pupils enrolled in the public schools of this state. Therefore, the Superintendent of Public Instruction is hereby granted broad administrative discretion to approve exemplary experimental programs to operate at variance with Education Code Sections 6421 through 6434, 6750 through 6759, 6801 through 6820, 6901 through 6933, 11054, and 11227.

Such variance may include the guarantee of full apportionment for approved experimental programs which vary from maximum class size or duration or both and other provisions relating to deriving apportionment per average daily attendance when in the opinion of the Superintendent of Public Instruction the quality and innovativeness of the experimental program warrants.

Enrollment in experimental programs for exceptional pupils shall be limited to any combinations of children enrolled in programs for exceptional pupils as specified in this section, at the time of application for approval to operate the experimental program. In any event, no more than 5 percent of the statewide enrollment of exceptional pupils in each of the programs included in this section may be enrolled in experimental programs in a given fiscal year.

The Superintendent of Public Instruction shall adopt rules and regulations relating to the application for, operation of, and evaluation of, exemplary experimental programs for exceptional pupils.

This section shall remain in effect for a period of three years following the effective date of its enactment, and shall have no force or effect thereafter.

Reimbursement for Education of Children Residing in Licensed Children's Institutions, Institutions, and Family Homes

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in an institution or in a family home, pursuant to a commitment or placement under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, located either within or without the boundaries of the district, or whenever a school district provides education in special schools or classes for mentally retarded pupils coming within the provisions of Section 6902 or 6903, physically handicapped pupils coming within the provisions of Section 6801, or educationally handicapped pupils educated pursuant to Section 6751.5, who reside in a licensed children's institution or family home located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the institution or home. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution or family home is

located. The pupil residing in an institution or family home under this section does not acquire residence in the district wherein the institution or family home is located during the period of residence in the institution or family home.

Reports of Referrals

6951.5. Every person, association, corporation or public agency who maintains or conducts a children's institution or engages in referring children to family homes shall report to the county superintendent of schools of the county where the school district providing education for children pursuant to Section 6951 of the Education Code is situated, within 30 days, any referral to such family home or any admission to such children's institution and the county or city and county in which each such child resided prior to his referral to such family home or admission to such institution.

Such county superintendent shall notify the school district which provides education for children pursuant to Section 6951 of the Education Code of such referral or admission.

Payment and Determination of Cost of Educating Minor

6952. The county or city and county of which any minor described in Section 6950 or Section 6951 is a resident shall at the close of each school year pay to the district or county superintendent of school educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenses of the school district or county superintendent of schools during such school year less all apportionments from the state or allocations from the federal government received by the district or county superintendent of schools during such school year, by the total number of units of average daily attendance in such school district or in programs maintained by the county superintendent of schools during such school year.

The county or city and county of which any such minor is a resident shall at the close of each school year also pay to the district or county superintendent of schools educating such minor the excess expenditures of educating such minor during the school year. The excess expenditures shall be determined by dividing the total excess expenditures of the school district or county superintendent of schools during such school year on account of educating such minors less all special purpose apportionments from the state or allocations from the federal government on account of the excess costs of educating such minors by the total number of units of average daily attendance of such minors in such school, classes, facilities, or programs during such school year.

The average daily attendance for all such minors who attend a junior high school in accordance with Sections 5601 to 5612, inclusive, shall be credited to the elementary district in which the institution is located for apportionment purposes.

For the purpose of this section "excess expenditures" shall mean the additional expenditures made by the district during the school year for education of such minors described in this chapter.

Payment for Use of Buildings and Facilities

6952.5. In addition to any other payments required by this chapter, where the education of children and minors described in Section 6951 or Section 6950 is provided in buildings or facilities owned by the school district or county superintendent of schools, the county or city and county of the minor's residence shall pay to the school district or county superintendent of schools, for the minor's use

of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such children during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

(d) Forty-four dollars ($44) if a county superintendent of schools.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund or its building fund. The moneys so received by the county superintendent of schools shall be deposited to the credit of the county school service fund of the county for use in providing school buildings and facilities for the use of the county superintendent of schools in educating mentally retarded minors, physically handicapped minors, and nonimmigrant children, as the case may be.

Except for mentally retarded minors and physically handicapped minors, no payment shall be made to a district under this section for children described in Section 6951 unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6951 in buildings or facilities owned by the district. No payment shall be made to a district under this section for children described in Section 6950 unless the district education in kindergarten or grades 1 through 12 at least 30 children described in Section 6950 in buildings or facilities owned by the district.

Forwarding of Claim for Cost

6953. The district maintaining such school or classes shall forward its claim on forms prescribed by the Superintendent of Public Instruction not later than the 15th day of July of each year to the county superintendent of schools of the county, or city and county, wherein the district is located, who shall certify and present the claim to the county superintendent of the county, or city and county, of the pupil's residence.

Annual Request for Funds

6954. The county superintendent of schools in each county, and city and county, shall file with the board of supervisors not later than the eights day of August of each year a request for sufficient funds to pay the total amount of claims presented to him in accordance with this chapter.

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount of at least one hundred dollars ($100) less than was required for the claim of any individual district under Section 6953 included in a request filed by him with the county board of supervisors during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be added to or deducted from the request for funds for the then current fiscal year.

Levy and Collection of Tax

6955. The board of supervisors of each county, and city and county, shall annually, at the time and in the manner of levying other county, and city and county taxes, levy and cause to be collected a tax for the payment of claims submitted pursuant to this chapter.

Computation for Mentally Retarded Pupils

11553. The average daily attendance of mentally retarded pupils given instruction by a county superintendent of schools shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund; provided, however, that the average daily attendance of mentally retarded pupils coming within the provisions of Section 6903 for the purpose of computation of transportation allowances under Section 18060, subdivision (b), shall be computed by dividing the total number of days of attendance of such pupils during the fiscal year, including the days of attendance at an authorized summer session, by 175.

Computation of Average Daily Attendance for Mentally Retarded Pupils

11553.1. Mentally retarded pupils who come within the provisions of Section 6902 and who are enrolled in a work-study program approved by the Department of Education shall be credited, for apportionment purposes, one full day of attendance for each day of attendance in the approved program. The average daily attendance of mentally retarded pupils enrolled in approved programs shall be computed by dividing the total number of days of attendance of the pupils by the number of days taught in the regular schools of the district. No such pupils shall be credited with more than five days of attendance per calendar week or more than the number of calendar days such special school or class is maintained by the district in each fiscal year.

Driver's Training

17305.7. The Superintendent of Public Instruction shall also allow as otherwise provided in Section 17305 for the driver training instruction necessary to be safely tested for a driver's license at the Department of Motor Vehicles, those physically handicapped minors, mentally retarded minors who come within the provisions of Section 6902, and educationally handicapped minors who are in attendance in a public secondary school in California which offers such qualified instruction, and who may qualify for a driver's license, or other license, issued by the California Department of Motor Vehicles, a total allowance not to exceed two hundred dollars ($200) including the reimbursement provisions set forth in Section 18251 to each school district and county superintendent of schools. All driver training for pupils herein described must be provided by qualified teachers, as defined by Sections 18252.1 and 18252.2. The provisions of this section may not be applied if reimbursement allowable under Sections 18251 to 18255, inclusive, is sufficient to meet the total cost of instruction as herein described.

It is the intent of the Legislature that driver training instruction be provided pupils as a part of the high school curriculum, and the Legislature finds and declares that exceptional children are entitled to the benefit of such instruction so far as their individual capabilities permit, understanding that those pupils herein described often require individualized and amplified driver training instruction in order to succeed in becoming safe operators of motor vehicles. Since without a means of self-transportation much of the overall program of education and rehabilitation provided for by the Legislature would be of little avail to the person without the mobility required to become a productive and well-adjusted member of society, the Legislature further declares that it is incumbent upon the state to share in the cost of providing a most needed and desirable program of driver training instruction for these exceptional children.

SEC. 2. This act shall become operative on September 1, 1971.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Educable mentally retarded minors are receiving special education in secondary schools which make them economically useful, however ordinary driver instruction allowances are insufficient to afford them adequate driver training instruction. In order to provide adequate driver training instruction to educable mentally retarded minors, it is necessary that the additional funds made available by this act be available at the earliest possible time in the 1971-72 school year. It is therefore necessary that this act take immediate effect.

Funding for Mentally Retarded Program

18102.2. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of mentally retarded pupils in special classes during the current fiscal year an amount computed as follows:

(a) He shall divide the average daily attendance in each particular class size category by the maximum class size established for each particular class size category, and increase the quotient to the next highest integer where a fractional amount is produced.

(b) He shall then determine for each particular class size category the product of the amount computed under subdivision (a) multiplied by the maximum class size established by law for special day classes for the particular category.

(c) He shall then multiply the amount computed under subdivision (b) by the following amount of the particular level and category:

Category	Elementary grades (K-8)	High school grades (9-12)	Community college grades (13-14)
Mentally retarded (as defined in Section 6902)			
Class-size maximum of 15.....	$570	$440	$280
Class-size maximum of 18.....	420	285	130

18102.4. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of severely mentally retarded pupils in special classes during the current fiscal year an amount computed as follows:

(a) He shall divide the average daily attendance in each particular class size category by the maximum class size established for each particular class size category, and increase the quotient to the next highest integer where a fractional amount is produced.

(b) He shall then determine for each particular class size category the product of the amount computed under subdivision (a) multiplied by the maximum class size established by law for special day classes for the particular category.

(c) He shall then multiply the amount computed under subdivision (b) by the following amount of the particular level and category:

Category	Elementary grades (K-8)	High School grades (9-12)	Community college grades (13-14)
Mentally retarded (as defined in Section 6903) Class-size maximum of 12.....	$920	$785	$630

Waiver of Maximum Class Size

18102.8. The governing board of a school district during the current fiscal year, or a county superintendent of schools, may apply to the Superintendent of Public Instruction whenever sparsity of population or transportation distances make it impossible to maintain classes of the maximum size as prescribed by this code or by the State Board of Education. If the Superintendent of Public Instruction, upon review, finds that it is impossible to maintain classes of the maximum size as prescribed by this code or by the State Board of Education, he may add to the amounts allowed under Sections 18102 to 18102.6, inclusive, an amount sufficient to provide for the needed classes, but not more per special class than the applicable amounts computed in those sections.

It is the intent of the Legislature that the additional allowances authorized by this section be provided primarily for school districts with an average daily attendance of less than 2,000. Allowances for school districts with a current average daily attendance of 2,000 or more shall be provided, in any fiscal year, for no more than 2 percent of the school districts having a current average daily attendance of 2,000 or more.

CS:bc-2/1/74